

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.777 OF 2005
IN
WRIT PETITION NO.2180 OF 2005

Ashok Mahadeo Palvankar Appellant

versus

State of Maharashtra & ors. Respondents

Mr.R.M.Nakhawa i/by Mr.Vasant Dhavan for
appellant

Mr.P.G.Sawant for respondents 1, 3 and 4.

Mr.Suresh Mali for respondent no.5

Mr.R.D.Jaywant for respondent no.6.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 19th September 2005

PC :

1. Heard learned counsel for the appellant and respondents. By this appeal the appellant challenges the order dated 30th August 2005 passed by the learned Single Judge. The learned Single Judge has finally disposed off the petition at the admission stage by a detailed and reasoned order wherein it has been observed that

both the lower authorities namely respondents 2 and 3 have given findings of fact which are concurrent. Another aspect of the matter which is to be noted is that there is only one structure bearing No.43/3A wherein, it appears that, the appellant claims his interest by contending that there are two shops. We do not find any ground made out whatsoever to interfere in the order of learned Single Judge. The learned Single Judge has rightly observed with regard to the findings of fact while exercising extra-ordinary jurisdiction under Article 226 of the Constitution of India that the Court cannot interfere. We do not find any illegality or infirmity in the said order. Appeal stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)